

BEFORE THE BOARD OF COUNSELORS
STATE OF IDAHO

ORIGINAL

In the Matter of:)
)
MICHELLE BOTT-GRAHAM) **FINDINGS OF FACT,**
) **CONCLUSIONS OF LAW**
License No. LPCP-387,) **AND FINAL ORDER**
)
Respondent.)
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Having reviewed the voluntary surrender of license submitted to the Board on February 4, 2003, the Idaho Board of Counselors (hereinafter "the Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Michelle Bott-Graham (Respondent) is a duly licensed counselor in the State of Idaho holding License No. LPCP-387.
2. On or about February 3, 2003, Respondent voluntarily surrendered her license. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 1.
3. In the voluntary surrender form signed by Respondent she agreed to complete a long-term (twelve to eighteen month) intensive in-patient and aftercare drug rehabilitation program, and to complete any other recommendations made by a professional drug counselor or her family physician.
4. The Board accepted the voluntary surrender in its regularly scheduled meeting on February 4, 2003.
5. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to her pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

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CONCLUSIONS OF LAW

1. As a licensed counselor in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 34, Idaho Code, and the rules and regulations promulgated by the Board.
2. Respondent's voluntary surrender of licensure authorizes the Board to suspend Respondent's license without further process until such time as she applies for reinstatement and can demonstrate she has successfully completed the above noted-regime set forth in Finding of Fact No. 3.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that License No. LPCP-387 issued to Respondent, Michelle Bott-Graham, is **SUSPENDED INDEFINITELY** until such time as Respondent applies for reinstatement and can demonstrate successful completion of an intensive long term in-patient and aftercare drug rehabilitation program and has complied with and successfully completed any other recommendations made by a professional drug counselor or her physician based upon her voluntary surrender.

This order is effective immediately.

DATED this 4th day of February, 2003.

IDAHO BOARD OF COUNSELORS

By 
ERIC F. JONES
Chairman

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

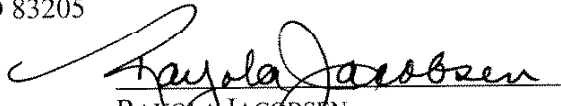
- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2003, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, certified mail, return receipt requested, and regular mail, postage prepaid, addressed to:

Michelle Bott-Graham
c/o E. Brent Small
Attorney at Law
P. O. Box 4747
Pocatello, ID 83205


RAYOLA JACOBSEN
Executive Director
BUREAU OF OCCUPATIONAL LICENSES

STATE OF IDAHO
DEPARTMENT OF SELF-GOVERNING AGENCIES
Bureau of Occupational Licenses
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702-5642

RETURN SERVICE REQUESTED

MICHELLE BOTT-GRAHAM
C/O E. BRENT SMALL
ATTORNEY AT LAW
P.O. BOX 4747
POCATELLO, IDAHO 83205

CERTIFIED MAIL



7000 1530 0005 5350 1841

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MICHELLE BOTT-GRAHAM
C/O E. BRENT SMALL
ATTORNEY AT LAW
P.O. BOX 4747
POCATELLO, IDAHO 83205

2. Article Number (Copy from service label)

7000 1530 0005 5350 1841

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

E. BRENT SMALL 3-2-03

C. Signature

X *E. Brent Small* ☒ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☒ No

If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-59-M-1789

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

Findings of Fact (Endorsement of Laws)

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage

Sent To

C/O E. BRENT SMALL

Street, Apt. No.,

ATTORNEY AT LAW

P.O. BOX 4747

City, State, Zip

POCATELLO, IDAHO 83205

PS Form 3800, July 2000

See Reverse for Instructions

02/04/2003 08:43

Bush, Cheri

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02/03/2003 04:43 FAX

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Feb 3 2003 16:31

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**VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF FORMAL DISCIPLINARY HEARING**

I, Michelle L. Bott-Graham, hereby voluntarily surrender my license to practice as a counselor, License No. LPCP-387 in the State of Idaho and will immediately discontinue the practice of counseling in this state. By affixing my signature hereto, I acknowledge that:

1. I have been advised that without my consent, no legal action can be taken against me except as allowed by the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code.
2. I have been advised by my counsel and I understand the consequences of the voluntary surrender.
3. I understand that I have the following rights, among others: the right to representation by legal counsel, the right to a formal hearing, to reasonable notice of such hearing, to present evidence and testimony on my behalf, to compel the testimony of witnesses, to cross-examine the witnesses against me, and the right to request reconsideration or to appeal this matter to the district court. I waive all such rights afforded to me.
4. I also waive the right to contest this surrender.
5. I understand that upon acceptance by the Board of the voluntary surrender of my license to practice counseling, the Board of Counselors will enter an order pursuant to Idaho Code Section 54-3211 suspending my license to practice based upon this voluntary surrender of my license.
6. I understand that my surrendering my license to practice counseling I am also surrendering all of the privileges associated with that licensure, until such time as I am again properly licensed.
7. I agree that there will be no rebate or refund, either in full or in part, of any sums previously made by me in connection with my license, including but not limited to payment of license application or renewal fees.
8. I understand that to obtain a license to practice counseling in the state of Idaho, I must re-apply to the Idaho State Board of Counselors pursuant to the provisions of Title 54, Chapter 32, Idaho Code and all applicable rules and Orders entered by the Board. I further understand that I may not re-apply until I have successfully completed a long-term (twelve to eighteen month) intensive in-patient drug rehabilitation and after-care program such as offered by SEADRUMAR and any

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other recommendations made by a professional drug counselor or my physician Christopher C. Shields, M.D. I also understand that if I fail to successfully complete or to comply with said regime disciplinary action may be taken by the Board.

9. I understand and agree that any decision regarding reinstatement of my license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement.

DATED this day of February, 2003

Michelle L. Bott-Graham
Michelle L. Bott-Graham

392 Vista Drive
Address

Pocatello Idaho 83201
City, State, Zip Code

DATED this day of February, 2003

Marilyn Richardson
Witness

STATE OF IDAHO



OFFICE OF THE ATTORNEY GENERAL

650 W. State St., Lower Level

P.O. Box 83720

Boise, ID 83720-0010

Phone: (208) 334-2424

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FAX TRANSMISSION

DATE: 2-4-03

PAGES (including cover): 3

TO: John Kersey

FROM: Cheri Bush
DEPUTY ATTORNEY GENERAL

FAX #: 334-3406

FAX #: (208) 334-2830

SUBJECT: Vol. Surrender of by:
Counselor License

This fax was transmitted from the Idaho Attorney General's Office. If you did not receive the number of pages listed above, please call Luanna at (208) 334-4530.

COMMENTS:

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.